



**LEGAL SERVICES CORPORATION
OFFICE OF PROGRAM PERFORMANCE**

FINAL REPORT

**FROM THE
PROGRAM QUALITY VISIT
TO**

COMMUNITY LEGAL SERVICES, INC.

Recipient Number: 703030

February 24-28, 2014

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**LSC Program Quality Visit
Community Legal Services #703030**

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INTRODUCTION

The Legal Services Corporation's (LSC) Office of Program Performance (OPP) conducted a Program Quality Visit (PQV) to Community Legal Services, Inc. (CLS), from February 24-28, 2014. Team members included Program Counsel, Grayce Wiggins and Nancy Glickman (co-team leaders); OPP Senior Program Counsel, John Eidleman; and LSC temporary employees Cesar Britos and Patrick (Mac) McIntyre. Joining the team for part of the visit was Anne Geraghty Helms, Pro Bono Counsel for DLA Piper and member of the Association of Pro Bono Counsel.

Program Quality Visits are designed to evaluate the extent to which LSC grantees are providing the highest quality legal services to eligible clients. In conducting these evaluations, OPP relies on the LSC Act and regulations, the LSC Performance Criteria, LSC Program Letters, and the ABA Standards for the Provision of Civil Legal Aid. The evaluation is organized to follow the four Performance Areas of the LSC Performance Criteria, which cover needs assessment and priority setting; strategic planning and evaluation; engagement with the low-income community; legal work, including private attorney involvement; and program management, including board governance, leadership, resource development, and coordination within the delivery system.

Prior to the visit, the team reviewed documents routinely provided to LSC, including applications for funding and renewal, technology and private attorney involvement (PAI) plans; workforce analysis charts; and case service and other services reports. The team also reviewed materials specifically requested from the program in advance of the visit, including documents relating to needs assessment and strategic planning, intake, legal work, case management policies and systems, and board governance and administration, as well as responses to a confidential online staff survey. While on-site, the team visited offices located in Maricopa, Yavapai, and Yuma counties. Time and distance did not allow the team to visit offices in Mohave County¹, or the satellite site located in Lake Havasu City, La Paz County. The team interviewed program leadership and administration, along with most attorneys, paralegals, and administrative and support staff. The team also interviewed several members of the board of directors, judges, bar leaders, community partner representatives, and other members of the state justice community including representatives of the Arizona Foundation for Legal Services & Education and the Maricopa County Bar Association. Some interviews were conducted by telephone prior to the visit.

PROGRAM OVERVIEW AND DESCRIPTION OF SERVICE AREA

CLS was founded in 1952 by local attorneys, in Maricopa County, who shared a collective concern about the lack of legal services for those who could not afford to pay. Using office space donated by a local attorney, the Maricopa County Legal Aid Society (MCLAS) was formed. MCLAS soon expanded as a result of seed funding from the Maricopa County Bar Association, the Office of Equal Opportunity, and local community organizations and was able

¹ The visit team interviewed the Mohave County managing attorney, in person, following the entrance conference in Phoenix. Other staff members in the Mohave office were interviewed by telephone during the visit.

to provide civil legal services in low-income communities across the county using the expertise of five lawyers and four support staff.

By the 1970's, the staff had grown to 10 attorneys in three offices and changed its name to Community Legal Services to represent its expanding geographical reach. The program has grown tremendously over the past 60 years, and now has a workforce of about 73 employees, including eight administrative staff; eight managing attorneys; 21 staff attorneys²; and 15 paralegals/legal assistants; with offices in five counties.³ CLS is one of three LSC-funded programs in the state,⁴ and Arizona's largest nonprofit civil legal services program.

Estimates from the 2008-2012 American Community Survey 5-year study show that CLS's service area has a poverty population of over 712,000, a 166% increase over the 2000 census figures. With a service area of over 40,000 square miles, representing the central and western quadrants of the state, CLS has a geographic area that is a mix of urban and rural. Over 5% of all households in the service area are linguistically isolated with Spanish being the primary language spoken in the home.

The program's main office is located in Phoenix, the state capital and the county seat of Maricopa County.⁵ Maricopa County is primarily urban and has a population of nearly 4 million people. Recent census data indicates that nearly 680,000 or 17.5% of its residents are living at or below the federal poverty levels.

There are similar statistics in the rural communities served by the program. Yavapai County has an estimated population of 215,000 people but over 15% are considered to be living in poverty. With offices located at the county seat in Prescott, the service area covers 8,100 square miles and makes a dramatic transition from desert to plateaus that are over 10,000 feet above sea level.

Mohave, Yuma, and LaPaz Counties are primarily rural and present challenges of geography and significant distances for low-income residents. These three counties collectively have nearly 85,000 residents living in poverty with about 20% per county. Maricopa and Yuma are Arizona's largest agricultural counties and about 65% of the farmworkers in Arizona live in San Luis, Yuma County. For that reason, CLS's offices in San Luis are strategically located about 100 yards from the border with Mexico to aid farmworkers in accessing legal services.

With the exception of the Phoenix office, which has a staff of over 50, and San Luis that is staffed by a paralegal and receptionist, most branch offices have between four to six staff. This has caused CLS to become strategic in its service delivery, as they work to meet the most pressing needs of the client-eligible population. The program has priorities in the areas of family, housing, consumer, health and economic stability, and unemployment.

² This total includes two Lewis & Clark Fellows who are law graduates awaiting admission to the bar.

³ The five counties include: La Paz, Maricopa, Mohave, Yavapai, and Yuma.

⁴ The other two LSC-funded programs are Southern Arizona Legal Aid and DNA People's Legal Services.

⁵ CLS has a second office in Maricopa County's East Valley region which is east of the Phoenix city limits. The program's office is located in the city of Mesa, which represents 34% of the county's population.

In 2013, CLS received \$4,047,784 in LSC funding, including \$3,910,807 in basic field services, and \$136,977 for migrant services. Non-LSC funding included IOLTA grants, Arizona Foundation, Arizona Domestic Violence Assistance Program, county and state appropriations and funding from other federal and state agencies, local communities and organizations. While there was an increase in the basic field grant in the amount of \$238,598, over 2012, the adjustment resulted in a small decrease in funding to support the migrant services in the amount of \$2,870. In 2014, total LSC funding increased to \$5,058,493 as a result of census adjustments.

SUMMARY OF FINDINGS

For over 60 years, CLS has established a strong reputation in the counties it serves as well as with community partners, judges, bar associations, partners, and other stakeholders. This is due in no small part to the dedication and commitment of the executive director, who has served CLS for over 30 years, and the board of directors who together have played a vital role in providing effective leadership and governance.

In 2011, CLS was faced with a deepening economic crisis, decreased funding, and an increasing need for civil legal services in its five county service area. CLS responded by adopting a tactical focus and embarked on a strategic planning process to help management, staff, and board members better understand the program's strengths and weaknesses in addressing the civil legal needs of the client-eligible population over the preceding four years. This process resulted in a set of goals and objectives that CLS incorporated as a four-year strategic plan for 2012 through 2016.

While the mission of the program remained unchanged, the strategic planning process emphasized the need for CLS to take a more deliberate approach in several areas including case acceptance, outreach and community education. It also caused the program to re-examine its priorities, staffing, and program operations.

This process, however, has not been without its share of challenges. The program's technology infrastructure is aging and outdated and has impeded their overall ability to be efficient. These technology issues permeate program-wide from the point of intake through the service delivery process.

There is also a need for CLS to fill existing gaps in its management structure, including the appointment of a deputy director, a litigation director, and to begin the process of transitioning the responsibilities of the finance and information systems director to a successor, as the director has announced his retirement. Furthermore, it is essential that CLS create a formal succession plan for the executive director and senior manager positions, and enhance leadership development.

Finally, we note the need for more aggressive goals in the area of resource development. While CLS has made fundraising a priority in its strategic plan, there is an overall lack of focus, including the establishment of milestones, deadlines, strategies to identify new and appropriate funding sources.

We are nevertheless encouraged by the dedication and commitment of staff, management, and the board during this implementation process. The findings and recommendations in this report are designed to assist CLS in achieving its goals and objectives as outlined in its strategic plan and assist the program as it strives to provide the highest quality legal services for the client-eligible population in its service area.

FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

PERFORMANCE AREA ONE. Effectiveness in identifying the most pressing civil legal needs of low-income people in the service area and targeting resources to address those needs.

Finding 1. CLS recently conducted a legal needs assessment and is aware of the legal needs of the low-income population in its service area.

CLS conducted its most recent legal needs assessment in 2011-2012. This assessment overlapped with the program's strategic planning process. Over the course of a year, CLS collected information from staff; members of the bar and the judiciary; and selected clients from each of the counties served by the program. In addition, they reviewed responses from client satisfaction surveys and from written surveys gathered from a sampling of community groups. CLS provided all surveys in English and Spanish and utilized its bilingual staff in facilitating meetings and interviews with client-eligible groups.

Meetings were organized with key stakeholders including: social services and community organizations; providers of legal services; and CLS staff and board members. Information gathered was then supplemented by census data; geographic information systems (GIS) mapping; case management data; and data on rejected cases.

In addition, CLS participated in a statewide legal needs study, spearheaded by the Arizona Foundation for Legal Services and Education⁶ (hereinafter the "Arizona Foundation") that took place in 2012 and was published in 2013. The Arizona Foundation worked closely with the three LSC-funded providers in Arizona which collectively provide direct services to nearly 21,000 low-income families annually. The foundation used three separate surveys to help identify unmet needs, collecting responses from: individuals seeking legal information on the statewide website; members of the bar and judiciary; and community organizations. This statewide report provided a comprehensive analysis of legal needs, but it did not drill down on county-specific needs.

⁶ Created by the state bar, the Arizona Foundation is a nonprofit organization charged with promoting access to justice in the state, educating those in need about the justice system, and administering funding from IOLTA. IOLTA funding to CLS began in 1985 and supports the civil practice areas of family, housing, consumer, public benefits, and employment law in the five-county area. IOLTA funding has also supported the program's farmworker program statewide.

CLS used its findings and those of the statewide needs assessment to identify program priorities. The program's next needs assessment is planned for 2015.

Recommendation I.1.1.1⁷: The program is encouraged to continue the process of identifying needs in its service areas using various methods.

Finding 2: CLS has set forth specific objectives, goals, and outcomes in key priority areas.

Through its needs assessment and strategic planning process, CLS was able to closely examine key priority areas, staffing responsibilities, and the allocation of resources. This analysis enabled the program to focus on core services program-wide.

The program's priority areas are:

- support for families (protection against domestic violence, especially families with children or the elderly; divorce; custody; paternity; and guardianship);
- preserving the home (assistance in maintaining affordable, healthy, and safe living conditions; homelessness prevention; claims of housing discrimination; and threats to home equity or home ownership interests);
- maintaining economic stability (loss and denial of public benefits, Medicare, Medicaid, mental health services, social security, unemployment insurance, and veterans benefits);
- consumer protection (exploitive lending practices, education loans, and home repairs); and
- employment (assistance to migrant and seasonal and non-migrant workers).

The case acceptance policies are grounded on these priorities and provide guidance to advocates about the legal work CLS will accept. Resources are allocated annually to support staff training and development in these priority areas and the staffing structure is designed to support the needs of the community. Further, CLS recently established a Strategic Work and Advocacy Team (SWAT) that is composed of experienced attorneys whose goal is to lead the organization in the development and implementation of the strategic advocacy goals and objectives in the five priority areas.

CLS identifies emerging legal needs and problems between formal assessments from: (1) coalition and bar committees and associations; (2) other legal services providers; (3) community groups; and (4) its work with the local law schools. When necessary, the program has revised its

⁷ Recommendations in this report will have a Roman Numeral to identify the Performance Area, followed by three numbers identifying, respectively, the Criterion addressed by the recommendation, the number of the finding, and a number designating whether it is the first, second, third, etc., recommendation under that finding. For example, III.2.14.3 designates Performance Area III, Criterion 2, Finding 14, third recommendation under Finding 14. There are two levels of recommendations in this report: Tier One and Tier Two. Recommendations that are indicated with an asterisk are Tier One recommendations and are intended to have a direct and major impact on program quality and/or performance. In your next grant renewal application, your program will be required to report what it has done in response to Tier One Recommendations instead of submitting a full narrative.

priorities. For example, CLS established a foreclosure project to work with housing counseling agencies and clients to help them secure loan modifications and to avoid foreclosures. This effort has been bolstered by the work of the program's Volunteer Lawyers Program (VLP) in recruiting private attorneys to represent clients in bankruptcy court. Similarly, CLS has recently deprioritized special education advocacy, as it is duplicative of services provided by other advocacy organizations.

The CLS board of directors reviews the program priorities annually and has worked cooperatively with management and staff in assessing priority and case acceptance guidelines to ensure that the priorities are consistent with the current legal needs of the client-eligible population. These priorities have been shared program-wide and have been communicated to intake staff, advocates, and community partners.

Finding 3: CLS has adopted a strategic plan for 2012-2016, however it is not effectively managing its implementation.

In 2011, the CLS board of directors, with the assistance of an organizational consultant, started the process of developing a strategic plan and creating a framework for organizational change. At the time, the program was faced with an increase in need and a corresponding reduction in funding from primary funding sources. The process began with an assessment of the program's strengths and weaknesses over the preceding four years. An integral component of the planning process was CLS's evaluation of how it was addressing the civil legal needs of low-income populations, a review of relevant population data and statistics, and an internal review of program data on clients served.

In September 2012, the board of directors adopted *Strategic Plan: 2012-2016*. Among other things, the plan outlined organizational objectives and tasks to be achieved over the four-year term. The planning process resulted in recommendations for changes to the organizational structure, staff, and technology of the program, and a greater emphasis on strategic advocacy to produce meaningful outcomes. The program appointed staff to task forces. The four task force committees are: resource development; human resources; technology; and client services. Their goals are: (1) diversifying, increasing, and stabilizing funding; (2) enhancing the CLS brand and community awareness about CLS; (3) attracting, developing, and retaining diverse and quality staff; (4) expanding state-of-the-art technology and facilities to better serve clients; and (5) improving the effectiveness of the delivery of legal services and representation to the client-eligible population. Correspondingly, the board established committees to develop plans to address resource development, organizational stability and sustainability, and the implementation of technology.

The program is approaching the halfway mark in the implementation of its strategic plan, and although some committees have made progress, the review team could not determine the overall status of the committees' work in connection with certain objectives and tasks. Interviews revealed that staff and management were not uniformly adhering to deadlines and milestones, and some tasks had no timelines or deadlines. While the plan is considered a "living" document, there does not appear to be an electronic or hard copy file that contains the current status of tasks or the accomplishments of objectives. Team members who viewed hard copies of the document

found several blank boxes that should have included progress notes and comments. There appeared to be a lack of urgency and ownership concerning the implementation of the plan.

Recommendation I.1.3.1:* CLS should continue implementing the objectives under its strategic plan. Attention should be given to designating a point person(s) who is responsible for updating the status of all tasks and can assist committees in adhering to firm internal deadlines. A current, updated version of the strategic plan should be located in a central location that is accessible to all program staff.

PERFORMANCE AREA TWO. Effectiveness in engaging and serving the low-income population throughout the service area.

Finding 4: CLS' branch offices are clean and professional; the staff treat clients with dignity and respect.

Members of the team visited three of the program's five offices located in Maricopa County (Phoenix and Mesa), Yavapai County (Prescott), and Yuma County (Yuma and San Luis). Offices were easy to find and clearly marked. Also, the offices were clean and professional in appearance and there were adequate reception areas with sufficient seating, educational, and informational brochures. The offices were also accessible to persons with disabilities.

Interviews with stakeholders revealed that the CLS staff treats clients with dignity, sensitivity and respect. The staff was described as professional, caring, professional, and culturally sensitive.

Finding 5: CLS's intake system is not coordinated program-wide and it lacks efficiency.

CLS' current intake system varies among offices with individual branch offices creating their own hours of operation; processes for handling new clients; and procedures for assigning cases. Furthermore, decisions about the type of cases that will be accepted and the level of service provided are also within the purview of each CLS office.⁸ The only commonality is that all offices offer applicants a variety of access points for service, including telephone (either through a local number or a toll free telephone number); walk-in; outreach sites, and the recently created online intake system.

Telephone Access Project (TAP)

CLS has a designated intake unit located in its central Phoenix office, which provides intake screenings program-wide, known as the Telephone Access Project (TAP). Telephone intake is available between 9:00 am to 2:00 pm daily, supplemented by intake for applicants who walk-in during office hours. At the time of our visit, the TAP staff included six telephone access intake liaisons and the TAP manager. All intake staff are bilingual (English/Spanish) and have been trained to screen applicants for financial eligibility, conflicts, and citizenship, and to determine

⁸ This subject will be discussed in greater length under Performance Area Three.

whether inquiries fall within program priorities. They are responsible for handling all incoming calls, walk-ins, online intakes, as well as rollover intake calls from branch offices.

The TAP system as currently designed presents significant access challenges for applicants. On average, TAP receives approximately 70 intake calls and 10-12 online intakes a day. CLS intake liaisons provide no advice or brief service at the first point of contact; once eligibility is established, liaisons refer cases to substantive units and branch offices for review. The visit team was provided with data reports for intake calls received from December 2013 through February 25, 2014. The data reports indicated that the average wait time in the queue was 21 minutes and upon exiting the queue, the interviews with intake liaisons lasted between 15-17 minutes.

Staff and community partners interviewed estimated that the actual wait times exceeded the time reported by the program and could last as long as one hour. The TAP policy is to terminate calls that are still on hold after one hour and this information is shared with callers while they are waiting in the queue. In addition, callers are advised to contact the online intake line or to attempt their call to the TAP intake line at another time.

Not surprisingly, there are high abandonment rates by intake callers. In December 2013, TAP received 864 calls and nearly 70% of those calls (606) were abandoned. In January and February 2014, the abandonment rates were slightly higher at 81% and 78%, respectively. The average abandonment time was approximately 20 minutes in December 2013 and January 2014 and 15 minutes in February 2014. It was unclear to the team what percentage of the abandoned calls represented applicants who were dropped after being on hold for one hour.

Some community partners stated that they, on behalf of clients, avoid long wait times by forwarding completed written intake forms previously provided by CLS advocates. This intake method results in the advocates inputting information into Pika, the program's case management system. These ad hoc work arounds ultimately undermine the efficiency of a coordinated intake system.

While on-site, team members made three attempts to access TAP as a way of evaluating the process that applicants face when seeking legal services. With each attempt they were provided with inaccurate wait times and placement information while in the queue. Despite remaining in the intake queue for over 25 minutes, there was a repeated message that the call would be answered shortly.

LSC previously identified long wait times during its 2007 PQV and 2011 Program Engagement Visit and made strong recommendations to assist the program in facilitating needed changes. Notwithstanding LSC's recommendations, the telephone intake system remains a significant barrier to CLS's ability to provide high-quality legal services.

It was clear from interviews with intake staff that the TAP unit is under-resourced in two major areas: 1) staff capacity and training and 2) technology.

Staff Capacity and Training

As stated above, the TAP unit consists of six intake liaisons and the TAP manager, who—although not an attorney—is an experienced advocate with over 35 years at CLS. A receptionist provides support for the unit, but that support is offset by her responsibility to assist walk-ins and other office duties⁹. The TAP manager provides oversight to the intake liaisons; reviews all intakes, conducts fact checking and gathering in addition to answering questions from intake liaisons and advocates program-wide. Given the volume of calls received, the added responsibility of the online intake system, and the current staffing structure, the intake system is becoming unmanageable.

Intake liaisons operate without scripts but some substantive law units require that the liaisons complete a questionnaire along with the intake. These additional documents are not part of the intake form and they must be completed separately, which consequently adds time to the intake process. The intake liaisons indicated that it would be more efficient to have the questionnaires available in electronic form, with fillable fields, as a part of the intake. Currently, these questionnaires are digital files that must be printed and completed by hand. Some staff remarked that some of the intakes received from the TAP unit are not timely forwarded to the advocates.

There was some uncertainty from the intake liaisons about program priorities, policies, and eligibility. This was most evident in discussions involving the new online intake system. There was no clarity about who is responsible for handling these applications, who among the intake liaisons is responsible for reviewing and responding to online applicants; and when the follow up should occur – before, during, or after regular intake hours. In addition, intake staff reported that applications are often submitted without complete information, requiring liaisons to contact applicants for additional information, which delays the intake process. At the time of the visit, the TAP manager had not been trained on how to run reports for the online intake which also limits the unit's ability to evaluate the system and make adjustments.

At the time of our visit, the team learned that CLS had recently hired two attorneys to work in the TAP unit to provide advice and limited services and would report to the TAP manager and the managing attorneys.¹⁰ Procedures had not been developed or communicated to the intake unit staff.

Technology

Intake is further hampered by technology challenges – both with the aging telephone system and Pika, which will be discussed at greater length in this report. The telephone system does not

⁹ The receptionist is based in the Phoenix office. Intake staff in branch offices do not handle new intake calls that come through TAP.

¹⁰ At the time of the visit, one of the two new TAP staff attorneys had started. CLS did not include this staff attorney's name on the interview schedule and was not interviewed during the visit. The job description, provided to the team on-site, stated that 50% of the TAP attorney's time will be handling loan modifications and foreclosures and the other half will be handling a variety of cases within the priorities and case acceptance guidelines.

presently allow for automatic call backs or voicemail, which has resulted in applicants remaining in the queue for extended periods of time, some to be dropped after an hour's wait. Extensive wait time is of great concern, as many applicants have telephones with limited minutes. In addition, staff interviews revealed that Pika has a history of crashing which creates further delays for intake advocates and staff assisting applicants program-wide.

Additionally, there appeared to be confusion among intake staff about the capability of the telephone system — specifically whether they could tell how long an applicant is on hold and whether they could see how many total applicants remained on hold.

Branch Offices

TAP was designed to be a program-wide intake system; however, branch offices are also able to conduct their own intake screening. Applicants can access branch offices by telephone or by walking in. Intake in each of the branch offices is handled by a receptionist, who also serves as an intake worker. Online intakes are also forwarded to branch offices from TAP and staff report that these applications are often incomplete and lack critical facts which requires them to contact applicants directly, as was discussed above. Staff also report that there have been times when there were lapses of over one month from the time the application was submitted online to the time the branch office receives it for review.

For those applicants who walk-in, the process in each office varies. In some branch offices, applicants are given a paper intake form that assesses income eligibility and then a second intake form that asks them to describe their legal problem; and in other offices the intake worker completes an intake in Pika while the applicant is present, and no paper intake form is completed. For applicant callers, the receptionist completes an intake by telephone. Branch offices are equipped with multiple telephone lines, and if any applicant calls at a time when the receptionist is unavailable, the call is forwarded to voicemail and they are told to leave a message. Branch offices receive from 10 to 30 calls a day.

Intake hours also vary by office. Some offices limit intakes to specific days of the week, while others are open daily for both calls and walk-ins. It appears to be within the discretion of the intake staff or managing attorney to determine how many hours are dedicated to new intakes. Furthermore, each office has determined what types of cases will be accepted and how cases are assigned. For example, it may be a receptionist who refers cases to staff based on the practice area of the advocate or it could be the managing attorney who reviews new intakes and then makes assignments at weekly staff meetings.

Although many of the staff are quite experienced, there did not appear to be much oversight over the intake process to make sure that it is coordinated uniformly across the program.

Finding 6: CLS does not provide a link to the online intake from its own homepage, and it is difficult to locate the link to the online intake on the statewide website.

CLS provides no link or reference to its online intake on its own website and furthermore the separate link to the online intake is difficult to locate on the statewide website. The statewide

website, azlawhelp.org, was developed in partnership by the three, state funded LSC programs; the Arizona Foundation; the State Bar of Arizona; and the William E. Morris Institute for Justice.

In addition to providing visitors with the opportunity to apply for legal services online, the statewide website provides legal information and links to resources. Intake staff reported that they receive between 10-12 online intakes per day, program-wide, which seems quite low given the high level of need and the limited intake hours in some of the county offices.

Recommendation II.1.5.1:* CLS's intake system should be evaluated for improvement and restructuring including the over-reliance on paper applications. The evaluation of intake across all branch offices should result in the development and implementation of standard protocols. In light of the significant effort invested in strategic planning, CLS should develop an intake committee, representing staff at all levels, to strategically examine the intake system and to evaluate its effectiveness.

Recommendation II.1.5.2:* CLS should examine the allocation of staff resources within its intake system to account for the various intake portals and aid in a more coordinated and efficient process.

Recommendation II.1.5.3:* CLS should research intake models utilized by other legal services providers that address the telephone, walk-in, and online systems.

Recommendation II.1.5.4:* CLS should evaluate how technology can be integrated into the intake process to improve client access, including the use of technology that will provide call flow reports; track the number of incoming, dropped and abandoned calls; reduce wait times; and ensure that entries into the CMS are contemporaneous whenever possible.

Recommendation II.1.6.1:* CLS should work with the Arizona Foundation and the other collaborating organizations to evaluate the effectiveness of the online intake portal. A link to the online intake portal should be included in a prominent location on the program's website, with instructions for visitors about how to access the link.

Finding 7: CLS should examine issues of safety and confidentiality in all its offices.

Although as noted above, CLS offices generally have adequate reception areas, some offices lack a separate room or area for staff to conduct in-person interviews. This has resulted in receptionists and advocates conducting interviews in open areas that do not provide clients privacy or confidentiality.

The visit team observed an open reception area in the Yuma office that provides visitors with an unobstructed view into individual advocate offices. We highlight these safety and confidentiality issues given the number of domestic violence cases the program handles.

Recommendation II.1.7.1: CLS should consider adopting safety-training protocols and also evaluate potential safety and confidentiality concerns in each of its branch offices.

Finding 8: Many of the staff are involved with the low-income community and organizations in the service area.

Staff members participate in a variety of outreach activities designed to provide the client community with legal information and resources, and to inform them of CLS' services. This outreach includes providing community education, participating in meetings with organizations serving the client community, and conducting intake and other client services at outreach events. Many of these activities are conducted at sites serving seniors, domestic violence survivors, veterans, and the homeless. Some of the partner organizations include: Arizona Coalition Against Domestic Violence; various Veterans Stand Downs; Safe Home network; Kingman Aid to Abused People; Yavapai Family Advocacy Center; the United Way of Yuma County; and New Horizons Disability Empowerment Center.

CLS uses outreach events, and the media to reach broad audiences. This includes participation with local newspapers and local television shows covering topics of interest to the client-eligible population. The program's website includes information and resources that may be helpful to applicants and clients. The program's website is available in English and Spanish; however the link that allows visitors to convert to and from Spanish is small and not prominently displayed on the homepage.

PERFORMANCE AREA THREE. Effectiveness of legal representation and other program activities intended to benefit the low-income population in the service area.

Staffing and Expertise

Finding 9: CLS has a mix of new and experienced advocates as well as experienced practitioners new to legal services.

The program has a committed and highly dedicated staff that provides quality legal services. This is due in part to the program's ability to attract and retain both very experienced and newly admitted attorneys. Some advocates previously worked in the private bar and have decided to dedicate their careers to public interest law.

The average level of experience for managing attorneys is 19 years. A majority of those managers have between 15 to 38 years of legal experience. The averages are similar among the staff attorneys, with an average of 15 years. The range of experience spans from newly admitted to nearly 50 years. The non-attorney, advocate staff also represent a combination of experience levels, and the team was impressed to learn that at least three staff members had been with the program for over 37 years.

However, nearly 40% of the advocate staff were hired over the past four years; and nearly 18% in 2013 alone. This includes nine attorneys, including two recent law graduates; three paralegals; and one legal assistant. The majority of managing attorneys are also new to their positions, including two who were hired in the past year. Interviews with staff highlighted the lack of uniform protocols in orientation, training, and supervision.

A formal orientation is also absent for experienced practitioners attaining new positions, most notably among managing attorneys. Additionally, staff reported to the team that they could benefit from trainings that address substantive areas and improve their ability to work with clients more effectively, especially in the area of cultural sensitivity and working with difficult clients.

Quality and Quantity of Legal Work

Finding 10: The program's total closed case statistics are substantially below the national median for LSC grantees.

For 2012, the program closed 111 cases per 10,000 poor people as compared to the national median of 245. Extended cases were 19 per 10,000 poor people as compared to 57, and contested cases were 6 per 10,000 poor persons as compared to the national median of 28. Although case numbers do not tell the whole story, it does engender further inquiry. Individual caseloads of staff were generally quite low, with the exception of paralegals that assisted pro se litigants, and generally did not involve complex litigation.

While some staff had supervisory or special project responsibilities, others did not. The extent of community engagement and/or permissible policy advocacy did not appear to justify the relatively low numbers either. The low case closures by staff could be a function of intake bottlenecks, as discussed previously, possibly coupled with VLP referral procedures, and a high rate of turnover in staff and managers.

CLS has established a Strategic Work and Advocacy Team (SWAT), as discussed previously, which is composed of experienced attorneys who are charged with leading the organization in the development and implementation of the strategic advocacy goals and objectives, however SWAT members have not been tasked with evaluating the quality and quantity of legal work program-wide. This issue of low case closing numbers was raised by the 2007 LSC PQV report with a specific recommendation to assess staff caseloads and productivity to assure that the low numbers were justified. It appears that has not occurred.

Finding 11: The program has demonstrated the capacity to engage in complex litigation. Both case discussions in interviews as well as submitted writing samples reflect that some staff have engaged in more complex matters.

A review of writing samples indicated a demonstrated capacity to engage in complex litigation. Some of the writing samples addressed issues of custody under the Hague Convention; a motion for an emergency stay of a modification to a visitation order; and a case involving a novel issue affecting the garnishment of social security funds.

While many submissions demonstrated a solid understanding of the facts and law, there were few cases that involved complex legal issues or that would impact systematic problems affecting clients. A notable exception was the work of the farmworker unit. This unit is currently engaged in major litigation before the United States Court of Appeals for the Ninth Circuit.

While most staff are excited about the strategic advocacy goals, some were apprehensive. The team encourages CLS to move forward with its strategic plan in an intentional, deliberate way and encourages the examination of the work of all units to determine how they can assist each other in having a greater impact. For example, several staff discussed possible abuses in Maricopa County Justice Court. This issue could be addressed by intake staff flagging potential issues and discussing them with managing attorneys and staff; managers can then review relevant data, and staff can conduct training for advocates and PAI attorneys to identify issues.

Finding 12: While the program generally addresses its key priorities, implementation is uneven throughout the service area as cases are not uniformly accepted and the priorities of offices dictate the type of service available.

As was suggested above, interviews, as well as a review of the closed case statistics of each office and unit, reflect that certain services or the extent of the service provided varies by locality. For example in 2013, the Yuma office provided extended service in a great number of family cases, there were few other substantive areas that also received the same level of service. We observed a related issue with bankruptcy and consumer cases. A client seeking full representation in a bankruptcy matter is more likely to be served in Maricopa or Mohave Counties. Case statistics showed little to no activity in other branch offices. Similarly, extended service in consumer cases are primarily handled in Maricopa County followed by Mohave. Much more troubling was the almost non-existent number of extended cases in Yavapai County. Over 97% of cases were closed as advice or limited action.

While CLS has touted that it provides assistance in all priority legal areas throughout the five-county service area, our review of the case statistics and interviews reveal that not all offices are providing equal level of service to clients in all priority areas. For example, an applicant has a better chance of receiving representation in an eviction case if they seek services in the Mesa office than in the Phoenix office, despite both offices having the same lists of program-wide priorities. While the VLP handles a sizable amount of housing cases in Maricopa County, none go beyond advice or limited action. These are trends that the program can evaluate using the CSRs for closed cases.

Quite often, priority cases are simply receiving advice and brief service because county offices and substantive law units are determining what practice areas they will give priority. This ultimately leaves clients being treated unevenly and undermines the program's goal of providing equal level of service in all priority area.

Finding 13: There is a lack of uniform legal work management and supervision policies.

Although the program has both administrative and advocacy policies and procedures that cover legal work management, often the protocols contained in the policies are general in nature and/or defer to local option, i.e. calendaring and tickling systems. Furthermore, the only mention of supervision in both documents is a yearly case review that is bundled with performance evaluations.

There are no protocols about closed case reviews, review of written work (including memos, motions or pleadings), or standards for new advocates. While advocates appear to have appropriate supervision through informal means, this is more a function of the adopted work style of managers, rather than a system for regular supervision.

The lack of uniform supervision of managing attorneys was also a concern of the visit team. With the departure of the litigation director, the executive director has taken on the responsibility of directly supervising the managing attorneys and has created an “open door policy” to answer questions or concerns. However, there is no case review or oversight of substantive legal work and monthly manager meetings have not adequately addressed the ongoing advocacy and litigation needs of the program. The program should measure how this supervision structure affects experienced and newer managers and ensure that there is appropriate oversight and support.

Recommendation III.1.9.1:* CLS should develop orientation protocols for new staff positions that include an overview of legal services practice, program policies, substantive training, supervision training, training plans, and skill attainment goals.

Recommendation III.1.9.2: CLS should survey staff to get a better understanding of training needs.

Recommendation III.1.10.1:* CLS should address covering the responsibilities that had been handled by the litigation director. This coverage by a responsible manager should include oversight and implementation of the recommendations contained under this performance criteria including, strategic initiatives, analysis of program productivity, orientation and training, coordination of legal work, enhancement of the quality and reach of the legal work, and uniform legal work management systems and protocols.

Recommendation III.1.11.1: As resources permit, CLS should identify training opportunities, for all advocates, which address legal advocacy skills training.

Recommendation III.1.12.1:* The program is urged to assess and evaluate individual and program-wide case delivery statistics.

Recommendation: III.1.12.2:* CLS should implement appropriate policies and procedures to address any deficiencies or lack of uniformity in addressing core priorities throughout the service area.

Recommendation III.1.13.1:* The program is urged to develop uniform legal work management and supervision procedures to be implemented program-wide.

Migrant Farm Worker Unit (FWU)

Finding 14: The program engages in high-quality advocacy on behalf of migrant farmworkers.

CLS provides legal assistance to farmworkers throughout the state of Arizona and has offices in both Maricopa (Phoenix) and Yuma Counties (San Luis). Of the two offices, the center of the unit's work is in the city of San Luis, which is nestled on the Arizona border with Mexico and in an area with a high concentration of farmworkers. The office is directly across the street from the "Corralon", translated as "holding pen", where seasonal workers are picked up and dropped off daily by growers and farm labor contractors. The FWU works with both migrant and seasonal workers.

CLS has assembled a lean staff of highly trained and committed professionals to address the distinctive needs of this low income population. The FWU is managed by a senior staff attorney with over 15 years of legal experience¹¹ and is supported by a senior staff attorney who is responsible for the low-income taxpayer program clinic (LITC) program and a part-time legal secretary/paralegal—all three are housed in Phoenix. There is a senior paralegal/outreach worker and an intake/receptionist in San Luis. All staff is bilingual (English/Spanish) with the exception of the FWU senior staff attorney.

The FWU assists farmworkers and their families with issues involving employer transportation; housing; field sanitation; pesticides; discrimination; unemployment; workers' compensation; income tax; and wage claims. Their goal is to affirmatively address abusive labor practices and to educate, empower and provide workers with a "voice". The clients of the FWU are essentially the backbone of the agricultural industry in Arizona.¹²

Intake is done mostly in person and clients routinely walk into the office after finishing work. There is a separate toll free number that is designated for this unit. The FWU receives calls from other parts of the state and the country; and program advocates travel to and meet with clients outside of normal business hours to accommodate workers' schedules. For example, on *Dia del Campesinos* (Farmworkers Day), which is the first Saturday of December, service providers hold a fair at a park directly across from the border crossing. Staff that are active in organizing the event are present from 1:00 am when thousands of workers begin to cross the border to work in the fields. They remain there until 11:00 am.

¹¹ With the departure of the litigation director, the senior staff attorney has assumed the responsibility of managing both the farmworker and LITC staff, although she is still maintains her current title. She is responsible for managing and evaluating the performance of staff in both Phoenix and San Luis.

¹² According to Arizona Farm Bureau, agriculture is a \$12.4 billion industry in Arizona and ranks second in the United States in head, leaf, and romaine lettuce and Yuma is the winter lettuce capital of the world. With more than 15,000 farms and ranches across the state, Arizona ranks second in the production of lemons and third in tangerine production.

Finding 15: CLS is an integral part of the network of agencies serving migrant farmworkers in Arizona and other states

The FWU collaborates with social service organizations such as *Campesinos Sin Fronteras* (Farmworkers without Borders) and *Chicanos Por La Causa*. CLS is the only entity providing legal representation to migrant farmworkers in employment matters in the state. The outreach worker, in San Luis, regularly provides educational presentations at community gatherings.

FWU routinely collaborates with sister programs such as California Rural Legal Assistance, Inc. and Texas RioGrande Legal Aid, Inc., both LSC grantees. The unit is also working with Florida's Migrant Farmworker Justice Project and with Farmworker Justice in Washington, DC. The unit maintains an ongoing partnership with legal services programs in Wyoming.

Finding 16: The FWU has an impressive record of representation on behalf of clients which accounts for modest closed case numbers.

The FWU provides representation that spans from administrative hearing to federal law suits and has chosen to focus its litigation efforts on cases that generally have in excess of 100 individually named clients. This is, however, balanced by their representation of single plaintiffs and families facing egregious circumstances.

In 2012, the FWU closed 42 cases, nearly all involved employment issues. This represented a sharp drop over 2011 when the unit closed 213 cases. There are a number of factors that may have affected this change including the loss of the litigation director, who oversaw the work of the unit, the level of impact work handled by staff, and extended outreach. For 2012, the FWU closed cases were 26 per 10,000 poor person for the service area, slightly above the national median of 21. Both extended and contested case closures were below the national median.

As for their impact cases, the FWU has argued several cases before the 9th Circuit Court of Appeals and received favorable decisions that have provided workers with the ability to receive redress in claims of abuse by employers in Arizona as well as out of state employers who recruit farmworkers in the state.¹³

Finding 17: The Volunteer Lawyers Program effectively integrates private attorneys and volunteers in the delivery of legal services; there is however a need to strengthen the pro bono efforts in branch offices.

The largest pro bono effort within CLS is through the Volunteer Lawyers Program (VLP). Founded in 1981, the VLP is a joint project of CLS and the Maricopa County Bar Association (MCBA)¹⁴ that provides civil legal assistance to low-income county residents. MCBA also

¹³ At the time of our visit, the senior staff attorney was preparing for oral argument before the 9th Circuit in a case involving alleged violation of the Migrant and Seasonal Agricultural Worker Protection Act (AWPA).

¹⁴ Maricopa County Bar Association is the largest voluntary bar association in Arizona.

actively engages volunteers to work in all five counties that make up the CLS service area. The goal is to create a full range of volunteer opportunities for practicing attorneys, retired lawyers, former judges, and law students.

The VLP is housed in the Phoenix office and operates with CLS employees, including four project coordinators, three paralegals, one legal secretary, and is led by a well-respected and experienced director. Staff are responsible for supporting nearly 20 projects that include: consumer bankruptcy (chapter 7 cases involving the loss of limited wages, providing advice to litigants in the bankruptcy court); family law (divorce, custody, child support, and domestic violence), housing (tenants' rights advice, home ownership); and guardianship and adoptions issues through its Children's Law Center.

VLP cases come through TAP and the director is responsible for reviewing cases and assigning them to VLP staff for placement. The VLP reviews their pro bono priorities annually.

Volunteers may participate in legal advice clinics; education and self-help sessions; the delivery of brief service in matters that do not require litigation; and direct representation in meritorious cases. Alternatively, volunteers may also choose to serve as presenters during volunteer recruitment events; serve as mentors or consultants, or receive training in substantive areas that are outside of their usual practice.

While the VLP has developed several signature projects, the staff continues to explore new ways to expand services based on increasing need. One such program is the Appellate Pro Bono Pilot program which is designed to assist litigants, who cannot afford legal counsel, navigate the appellate process. Volunteer attorneys participate in interviews with litigants or provide representation in state appellate court. The pilot is currently limited to appeals in Maricopa County in family law and civil cases.

In LSC's 2007 PQV report, we recommended that the VLP expand PAI participation to large law firms located in Phoenix. The visit team was pleased to learn that CLS has instituted a VLP *Firm Liaison* program. With participation from an active advisory board, the program has been able to establish strong relationships with large law firms who have designated a liaison who is responsible for distributing pro bono cases within their respective firms. The VLP staff looks forward to focusing its efforts on more participation from small firms and solo practices.

While VLP staff do not have a regular system for checking in with pro bono attorneys on case status, they use court databases to update the files, if possible. For example, in bankruptcy cases, the staff checks PACER¹⁵ to ensure that case has been filed. Otherwise, they rely on the pro bono attorneys to provide updates. The VLP does not enter into written agreements with the volunteer lawyers, but actively follows up and requests that the volunteers do as well.

¹⁵ Public Access to Court Electronic Records (PACER) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator via the internet.

In 2012, CLS closed 21 PAI cases per 10,000 poor persons, slightly below the national median of 22. Extended cases were also below the median with the program closing 5 cases per 10,000 poor persons; the median was 8. Overall, CLS closed 903 PAI cases in 2012 and 69% were advice and counsel and 14% were uncontested court decisions. The largest percentage of cases closed by type were consumer matters, specifically bankruptcy, collections, and contracts/warranties. These cases alone represented 53% of all closed cases. The other two major civil legal needs addressed by PAI were in the areas of housing and family law. Nearly 25% of all cases handled by volunteer attorneys involved housing issues specifically landlord and tenant (unsubsidized housing). Family law cases represented over 14% of all closed cases, mostly addressing guardianship and adoption matters. .

We find the same relative proportion in the volume and types of cases handled through PAI in 2013. Based on 2013 data provided by the program to LSC, CLS closed 1,070 cases and over 73% were advice and counsel and 15% were uncontested court decisions. Over 91% of cases were in the areas of consumer (50%); housing (31%), and family law (10%); and focused primarily on the same specific areas addressed in 2012.

Branch Offices

Outside of Maricopa County, the VLP director acts as a consultant and reaches out to branch offices every couple of months and as questions arise. In branch offices, PAI cases come through the intake methods discussed in detail in performance area two; and are then assigned to pro bono coordinators and staff who work to get the cases placed.

Each county office has staff dedicated to coordinating pro bono services and encouraging participation from the private bar, including solo practitioners, government attorneys, and county law firms. The branch offices have the autonomy to develop strategies that are customized to address legal needs and outreach methods to recruit attorneys.

Many of the branch offices are located in rural areas and staff spend considerable time participating in outreach events and have developed strong relationships with the private attorney community. Most offices have very few closed PAI cases, and some had no closed cases in the past year.

While some rural offices have been successful in recruiting attorneys to handle guardianship, bankruptcy, and complex family law cases; other offices are still struggling to get assistance with specific cases, including consumer matters. In Yavapai County, staff participate in an annual “Law Day” event and ask volunteer lawyers to commit at least two hours to providing advice although some attorneys stay all day. The Mohave County office has also been successful in recruiting a small cache of attorneys to handle bankruptcy cases, despite having only 80 attorneys actively practicing in the county. It was unclear to the visit team whether there was sufficient follow-up with volunteers once cases are placed to determine what services were provided and to get a more accurate picture of outcomes.

While the VLP provides support to branch offices through its managing attorneys and pro bono coordinators, there appears to be a need for a more formal strategy to address PAI program-

wide, especially in rural communities. Given the vast experience of staff in Maricopa County, there should be a more formal process for evaluating progress and effectiveness in these pro bono cases.

Recommendation III.2.17.1: CLS should encourage more pro bono participation in the branch offices and establish best practices that can be incorporated into the overall pro bono effort program-wide, especially in rural communities.

Finding 18: CLS engages in a number of other services and activities.

CLS is involved in numerous community education and outreach efforts throughout the service area. Staff have been active in a variety of areas including: mortgage foreclosures, housing, family, consumer debt, and guardianship matters. In these areas, staff and volunteer attorneys have prepared pamphlets, instruction booklets, and other materials to share with participants.

The program has also developed additional clinics and advice and brief service activities to help in the areas of housing, SSI over-payments, and family law. Additionally, there is currently a committee working on community legal education (CLE) materials for the web site.

A number of staff are members of local and state alliances dealing with access issues on behalf of the client-eligible community. This involvement is demonstrated in the program's work with the Arizona Fair Housing Partnership and through its participation in committees addressing the filing fee waiver rules in Maricopa County. However, involvement varies among staff and, it is of note that, such involvement is not part of an advocate's job description. While some offices used to do group pro se clinics/workshops, they have ceased due to poor attendance. Instead, advocates (paralegals) work one-on-one with pro se litigants.

Recommendation III.3.18.1: CLS should encourage all advocates to engage in collaborative efforts with local, regional, and state community partners.

PERFORMANCE AREA FOUR. Effectiveness of governance, leadership, administration.

Finding 19: The CLS board of directors is composed of committed members who are vitally interested in the work of the program.

The CLS bylaws provide that the board of directors shall be composed of twenty-four (24) to thirty (30) members. At the time of our visit, the board consisted of twenty-four (24) members, including sixteen (16) attorneys appointed by the county bar associations that represent the counties served by CLS; the State Bar of Arizona; Arizona State University School of Law; and the Arizona Center for Disability Law. Eight (8) client board members were appointed by various community organizations or social service agencies. Board members may serve two consecutive three-year terms. Officers and members of the Executive Committee are elected annually. The CLS board meets bi-monthly from September through May (September, November, January, March, and May), for a total of five times per year. All board meetings are open to the public and take place in the Phoenix office.

The caliber of board members is extremely high and each member adds a broad base of practice and knowledge that is complementary and collaborative. The board members that we interviewed had impressive professional backgrounds and experiences that demonstrated a commitment to the work of legal services. For example, many of the attorney members have an extensive history of pro bono work in their respective counties. In addition, many are active on state bar committees and hold leadership positions on those committees. Client board members are active in their communities and with social service organizations that serve the needs of low-income individuals and families.

The current board appointments reflect the diversity of the client-eligible population served by CLS. Nearly half of the board members are minorities and more than half of the members are women. There is solid participation on board committees - including the executive committee - by both attorney and client members. A review of board minutes, demonstrated that all board meetings over the past twenty-four months had the required quorum, with members joining either in person or by telephone.

The bylaws expressly provide for only the executive and nominations committees; however, interviews revealed that there are several other standing committees including:

- client services (reviews case statistic reports; outcomes; and benefits information);
- client grievance (forms as needed);
- resource development (identifies grants and resource development opportunities);
- human resources (personnel issues); and
- technology

There is no formal audit or finance committee, as the executive committee fills this role. The executive committee is composed of: 1) the officers of the board of directors; 2) the immediate past president(s); and 3) between two to four additional directors selected by the officers of the board and the immediate past president(s). At least two members of the executive committee are client-eligible members. The term of office for each member of the executive committee is one year.

The practice of the CLS board is to develop successive leadership by rotating members in various positions leading up to the presidency, including the position of treasurer. The program's finance director plays an active role in training executive committee members in understanding the finances of the organization.

The executive director is evaluated annually. Each board member is asked to complete a comprehensive survey and to assess the executive director's performance during the prior year and offer recommendations that identify priorities for the executive director in the coming year. The board president and executive director maintain a strong and productive working relationship. During her term, the current board president challenged members to bring new contacts to the program in order to assist in fundraising and "friend"-raising activities and initiatives. Interviews with board members confirmed that the board has an understanding of the role that it can play in building and enhancing CLS's reputation.

At regularly scheduled board meetings, the board adheres to a consent agenda, which includes a review of the program's financial statements and updates about program operations. In addition to regularly scheduled meetings, during every summer, the board hosts an annual retreat. In past years, agenda topics have included strategic planning and initiatives, and resource development. Board materials are provided in advance to allow members to prepare. Furthermore, prior to the start of the meeting, board leaders and the executive director meet with client board members separately to explain the topics that will be addressed and to ensure that they are prepared to fully participate.

Finding 20: The orientation and training of board members is comprehensive; however, members could benefit from regularly scheduled refresher sessions.

CLS has developed a training protocol to cultivate new board members and also engage current members. Upon appointment, new members are required to attend an in-person training facilitated by the executive director, current board members, and the program's finance director. The one-day training consists of presentations covering:

- the history of civil legal services and CLS;
- the LSC Act and regulations;
- board by-laws;
- organizational priorities;
- overview of CLS's budget and financial statements; and
- the role and responsibilities of the board of directors.

The content of the training is codified in the CLS board manual and is provided to each member. Members are given occasional refresher sessions, although these sessions are currently offered on an *ad hoc* basis. Some board members expressed an interest in having more regularly scheduled refreshers regarding the LSC Act and other related topics.

The board of directors is made aware of local, state, and national issues within the legal services community by the executive director, and board members have been encouraged to attend and participate at National Legal Aid & Defender Association (NLADA) conferences. This involvement is in addition to members' own work with bar associations, bar committees, and a statewide taskforce that addresses issues affecting low-income communities.

Finding 21: The board has not been actively involved in evaluating the program's performance.

While the board appears to be engaged in the overall work of CLS, interviews revealed that key board members have only a general awareness of potential productivity concerns. This was troubling to the visit team considering that one of the board's standing committees, "Client Services," is tasked with reviewing case statistic reports and outcomes. Our concerns regarding productivity were raised while on site and in previous program quality and engagement visits by OPP.

In LSC's 2007 PQV report, we specifically recommended that the program look more deliberately at staff caseloads and office productivity. We also suggested that the program analyze the needs of the program using the case service reports (CSRs). In light of the board's prominent role in strategic planning, an evaluation of performance and productivity will be helpful in analyzing program services.

Recommendation IV.1.20.1: CLS should develop a regular training schedule that addresses topics highlighted in the orientation training for board members.

Recommendation IV.1.21.1: The board should take a more active role in reviewing performance and productivity and develop outcome measures that are incorporated into overall program planning and resource allocation.

Finding 22: The executive director is well respected and highly regarded as an effective, inspirational, and thoughtful leader.

For over thirty years, the executive director has provided leadership over Arizona's largest nonprofit civil legal aid program. She is an acknowledged leader within the legal services community and was recently honored by the White House Office of Public Engagement as a "Champion of Change." In addition, she currently serves as chairperson of the board of directors of the NLADA and is active in several access-to-justice related boards and committees, both on the state and national level. The executive director continues to work on enhancing access to civil legal assistance and has worked closely with the CLS board to ensure that CLS has a long-range strategy that achieves its mission.

Finding 23: As of this visit, the position description for a deputy director had not been finalized nor had the program developed a formal succession plan for executive and management level positions.

Over the past two years, the program has suffered the loss of managing attorneys, the retirement of its litigation director, as discussed above, and the attrition of staff due to funding and other factors. This has resulted in the executive director handling several additional responsibilities, including: supervising directors and managing attorneys; and overseeing the implementation of the strategic plan.

Both the executive director and board members interviewed expressed a strong interest in moving forward with formal succession planning and the hiring of a deputy director. Board members spoke highly of the dedication and commitment of the executive director and CLS administrators and viewed the hire of a deputy director as a necessary addition to the management structure. Despite the board's approval to post the new position in June 2013, the job description for the deputy director was not available during our time on site, nor was there a process in place to recruit for the position. We found similar delays associated with the full succession plan. CLS reported to LSC, in July 2013, that they expected a full succession plan to be approved by the board in January 2014. No plan was provided during our visit.

Finding 24: CLS's leadership team consists of long-term, experienced professionals who have a commitment to the mission of the organization.

The leadership team includes the executive director, finance and information systems director, resource development director, human resources administrator, VLP director, TAP manager, and the managing attorneys for the substantive law units and county offices. In addition to the 31 years of committed service from the executive director, there are several other examples of long-term dedication to the program. This is exemplified by other managers and directors and is worth noting:

- TAP manager – 37 years
- Finance and information systems director – 27 years
- VLP director – 20 years
- Resource development director – 15 years

CLS conducts monthly management meetings that are chaired by a different manager each month. The meeting agenda generally includes: a review of monthly financial statements for the program as well as for the branch offices, discussion about changes in policies and procedures for intake, advocacy, administration, program operations, and updates on the strategic plan.

Recommendation IV.2.23.1:* The position description for the deputy director should be completed without further delay to ensure sufficient time for a thorough candidate search, selection, and orientation process; CLS should consider how the responsibilities of the deputy director could address the gap left by departure of the litigation director and the implementation of the recommendations contained in Performance Criteria Three, as stated above.

Recommendation IV.2.23.2:* The executive director and the board of directors should work closely in creating a written succession plan for the executive director position and other key management positions. This should be coupled with enhanced leadership development of CLS staff.

Technology

Finding 25: CLS has outdated and ineffective technology that impedes the program's productivity and efficiency.

Infrastructure

The technology staff includes the finance and information systems director, a network administrator, and a contract employee who was recently hired to assist staff with training on the use of the program's systems and software programs. They are all physically housed in the Phoenix office. All offices are connected with a wide area network (WAN) and all of the servers are housed in the Phoenix office. The program has five physical and eight virtual servers.

All workstations are old and running on Windows XP and Office 2003. As of April 8, 2014, Microsoft ended its support for Windows XP, resulting in no further security updates or technical

support for the operating system. Without these security updates, computers are susceptible to harmful viruses, spyware, and other malicious software, which can steal information from users.

The program decided several years ago to continue using older workstations but allow users to have newer software through terminal services and Citrix. Interviews with staff and responses to our pre-visit survey indicate that workstations are performing poorly, and some staff remarked that they have used their own personal computers at work as a result of the ongoing problems with the system.

The poor performance may be a result of underpowered servers that are unable to support the workload and a shortage of Citrix licenses. Staff also reported that their participation in online trainings, conference calls, and webinars is limited due to the significant problems with the technology. The program does not currently have the capability for video conferencing. CLS has budgeted to replace all of the aging workstations and has explored the idea of providing advocates with laptops with docking stations.

CLS uses Pika, a web-based system for case management, which is hosted by the Pika software company. This software is performing poorly as well. The problem, however, stems from routing problems to the hosted server. It is often bounced around to many locations, which creates a slowdown for the end user. The program used to host their own Pika server but opted to outsource to Pika to allow for easier updates.

The program also has a VoIP¹⁶ telephone system that was purchased many years ago with a technology grant through LSC's Technology Initiative Grants (TIG) program. This system is now showing its age and staff reported to the team that they have experienced significant problems, including dropped calls.

Software

All workstations operate with Office 2003 and remote access is equipped with Office 2007. There are some staff that continue to use WordPerfect. CLS uses Westlaw for legal research and recently purchased licenses for Adobe Acrobat Pro to enable their use of fillable forms. The ability to use fillable forms was of concern to the intake staff during our visit and discussed above in Performance Area Two.

Technical Support

CLS contracts out much of the network support, including the maintenance of the servers and back-ups. There is an onsite and offsite back up performed by the contractor, but CLS does not verify that it is being done. Branch offices operate without onsite support.

The network administrator is responsible for the hardware support, she adds and updates users to the domain, adds extensions, and handles some of the maintenance on the telephone system. When staff experience technology-related problems, they are instructed to create a work ticket

¹⁶ VoIP is an acronym for Voice Over Internet Protocol, or in more common terms telephone service over the Internet.

that is first addressed internally. If the onsite staff cannot resolve it, the work ticket is sent to a contractor.

Finding 26: CLS has recently hired a consultant to provide training to staff on the program's systems and software.

Staff interviewed emphasized the need for training on all CLS systems and software, and many staff discussed the lack of technology training at the time of hire. They also discussed the need for ongoing, regular support.

CLS recently contracted with a consultant to provide staff with training and, by all early indications, they find it to be helpful. It was not clear to the team, however, how this training support would be expanded to serve the branch offices.

Recommendation IV.3.25.1:* As resources permit, CLS is encouraged to hire a consultant to conduct a comprehensive technology assessment of the program's infrastructure, hardware, and software. This assessment should provide recommendations for improvements to the case management, telephone, and computer/hardware systems.

Recommendation IV.3.26.1: CLS is encouraged to continue providing training for all staff on its systems and programs to ensure that they are able to use the technology properly and effectively.

Disaster Planning

Finding 27: CLS's business continuity plan has not been regularly reviewed and is not assigned to any staff member for updating.

CLS has a business continuity plan; however, the plan is not reviewed annually or assigned to a staff member for regular review and updating. In light of the impending retirement of the finance and information systems director, whose position is integral to the successful implementation of the plan, the program should review and revise its disaster plans accordingly and identify a point person for annual updates.

Recommendation IV.3.27.1: CLS should designate a staff member to regularly review and update the business continuity plan annually.

Financial Administration¹⁷ and Human Resources

Finding 28: The CLS fiscal staff are well qualified, competent, and diligent in carrying out their responsibilities, but CLS must move forward, with all deliberate speed, in transitioning responsibilities given the impending retirement of the finance director.

The finance team is led by the finance and information systems director, a long-term employee of CLS. The director wears many hats within the organization and is the repository of critically important information about processes. He has recently announced his retirement after 27 years of service, and will be leaving the program at the end of 2014. The work of the finance department is supported by a financial assistant for grants management,¹⁸ human resources administrator, and a temporary employee who is currently filling the vacant senior financial analyst position.

The finance director prepares a proposed budget annually, which is reviewed and discussed with the management team. The proposed budget includes projected staff and administrative expenses to maintain or increase the delivery of legal services, based on the recommendations of the planning committee. CLS engages in budgeting and financial planning over a two-year period. The current year's budget, which was provided to the visit team, appeared to be fully consistent with the program's goals, missions, and objectives and is regularly monitored, with adjustments made as necessary.

The finance department is currently administering over 25 grants and contracts. The staff prepares monthly reports for review by the executive director and the board of directors. Over the past two years, CLS changed audit firms and has adopted this as a practice to guard against complacency. The program states that past audits and outside reports have not reflected any material findings, though audits have occasionally resulted in suggestions for some improvements.

The staff utilizes accounting software to record, control, and report financial data, including general ledger, accounts receivable, accounts payable, and payroll. The program does not use an outside accounting or bookkeeping service but outsources its payroll-related services. Staff interviews, however, indicated some specific shortcomings in the CLS system. Pika cannot interface with the accounting software. As a result, staff have set up special additional databases in order to fulfill certain reporting requirements.

With the impending retirement of the finance director, some steps have been taken to begin managing this transition, such as having the financial assistant for grant management assume responsibility for the annual audit. There have also been some discussions about the human resources administrator eventually assuming the facilities management responsibilities of the

¹⁷ This visit was conducted by the LSC Office of Program Performance (OPP) for the purposes set forth in the Introduction. OPP findings and recommendations under this criterion are limited to staffing, organization, and general functions. Assessment of fiscal operations is conducted by other offices within LSC.

¹⁸ This position was recently changed to assistant finance director.

organization, also a duty that is currently handled by the director of finance and information systems.

However, given the relatively short lead-time and the many other challenges that CLS is facing, there appears to be a significant level of uncertainty among staff as to how and by when the broad bundle of functions and critical responsibilities will be transferred. The team was also concerned that there was a lack of urgency in preparing for this transition.

Finding 29: CLS has a capable and knowledgeable human resources staff.

The human resources staff consists of an administrator and a part-time assistant. Our 2007 review of the program's performance highlighted the, then-recent, inclusion of a full-time administrator and her plan to define the role and procedures for the department. During this visit, the team found the human resources administrator to be quite knowledgeable about the broad range of benefits available to staff. The administrator is an active member of the Society for Human Resources Management and regularly attends trainings.

The program offers benefits that include: an employee assistance plan; long-term disability; health, dental, and vision coverage; a tax deferred annuity (403(b)) plan; flexible spending accounts; and a law school loan repayment assistance program.

The human resources staff works closely with the executive director and other senior staff. The staff is responsible for recruitment, hiring, benefit administration, coordination with finance staff for payroll, and working with CLS's labor counsel. They are also responsible for coordinating annual performance evaluations. CLS staff are provided with a self-evaluation form to complete. This is followed by a one-on-one meeting with their supervisor to discuss overall performance. Supervisors, similarly, provide written comments to support their performance evaluation of staff.

The program is working to establish in-person and webinar update trainings on employee benefits and is in the process of developing an online staff orientation that will include frequently asked questions and other relevant information.

Finding 30: There is a high turnover rate among staff.

While CLS has experienced long-tenured employees working in many positions, the program has undergone a high turnover rate for staff, mostly attorneys and managers over the past two years. Due to the lag time involved in rehiring for any vacant position, the large number of vacancies has left many units and branch offices understaffed at various times and, according to some staff, has directly impacted the program's productivity and strategic focus.

While there were no clear causes for the high turnover rate identified through interviews, staff mentioned salaries, and concerns about the potential for professional growth within the organization as possible explanations.

Recommendation IV.4.28.1:* The executive director should ensure that there is a clear and adequately detailed transition plan for the finance and information systems director position. It should also be determined what, if any, additional resources or technical support may be available to cover those functions, as this concern should be recognized as a top priority.

Recommendation IV.4.28.2: When reviewing the technology recommendations, CLS should address the inability of the Pika to interface with the accounting reporting systems.

Recommendation IV.5.30.1: CLS should conduct an assessment to determine the cause for the high staff turnover rate and create a program-wide retention strategy.

Finding 31: CLS lacks strong internal communication systems.

CLS has employed several techniques to encourage and foster strong internal communication. They include an annual program-wide staff meeting; the strategic planning process, which has created taskforces and committees that include staff at all levels and offices; presentations to staff on new policies and procedures; and the launch of a quarterly program-wide newsletter that is emailed to all staff.

Notwithstanding these efforts, the current internal communication systems do not provide staff with the mechanism to communicate effectively between offices and with senior management. Our interviews revealed that these communication gaps were most prevalent in the branch offices. Several staff members expressed feeling either ignored or overwhelmingly disconnected from the work and activities outside of their counties and staff cited to their heavy reliance on managing attorneys for updates on activities outside of the branch office. In addition, some managers discussed difficulty in getting responses from their counterparts in both branch offices and in the same office. Staff members commented that branch offices “are on their own” and that communication among offices is informal and self-directed. Staff also expressed an interest in having the executive director visit branch offices more often.

Interviews further indicated that the annual staff meeting offers helpful information, but does not provide staff with the opportunity to interact in a meaningful, ongoing way. This has most likely been exacerbated by the significant staff turnover rate over the past several years.

Various staff also remarked that their attempts to provide input and suggestions have been rebuffed and that, at times, they faced a bottleneck in communication with senior staff members. Staff and management should work together to ensure that these information and communication gaps are closed.

Recommendation IV.6.31.1: The program should consider reviving its intranet or adopt other internal communication systems that will provide staff and administration with the opportunity to share relevant and timely information about the overall work of the program.

Finding 32: CLS' resource development activities are conducted in collaboration with statewide partner organizations; however, the program will need to develop a more aggressive approach to fundraising in order to accomplish the goals in the strategic plan.

CLS has a full-time resource development director who has over 20 years of experience in the area of grants management and fundraising for nonprofit organizations and private foundations. The position is funded in part by the Arizona Equal Justice Campaign, a 501(c)(3) nonprofit foundation that was formed in the late 1990s to address the decreasing financial resources for civil legal services in the state. The foundation raises money to sustain Arizona's three major legal services programs (CLS, Southern Arizona Legal Aid, and DNA) and has supported the salaries of over 100 attorneys annually. As discussed above, the Arizona Foundation also plays a major role in administering IOLTA funding for civil legal services in the state.

With the support of a part-time assistant, the resource development team has focused on maintaining existing funding while exploring additional opportunities. The program currently has over 25 active grants including support from city and county agencies within the service area. Two fundraising initiatives implemented by CLS include:

- Working Poor Tax Credit Program¹⁹ – This allows contributors to claim a tax credit for voluntary cash contributions made to a qualifying charitable organization.
- Arizona Equal Justice Campaign organized by the Arizona Equal Justice Foundation – Over 45 firms and hundreds of individual attorneys give annually, providing nearly \$500,000 to help low-income families. Those giving at the highest level provide the equivalent of two billable hours per attorney.

Last year, CLS received nearly \$360,000 from the state attorney general's office to serve low and moderate income individuals facing foreclosure-related problems.²⁰ This three year grant, 2013-2016, has allowed the program to hire additional staff to address these issues. These various funding sources, however, have not significantly moved CLS towards diversifying or increasing its long-term funding. LSC currently represents roughly 70% of the program's funding.

The visit team examined CLS's strategic plan around resource development. In essence, the plan has identified two main goals: 1) diversify, increase, and stabilize funding; and 2) enhance brand and community awareness. We focus our finding and recommendation on the funding goals. In reviewing the tasks under the first goal, the visit team found that many of the tasks were focused on stabilizing funding and not on diversifying and increasing funding. The specific goals

¹⁹ Arizona Revised Statute §43-1088 provides a non-refundable income tax credit for cash contributions made to qualifying charitable organizations (QCOs), commonly known as the working poor tax credit. The QCO provides help to Arizona residents who receive temporary assistance for needy families (TANF) benefits, low income residents, or to chronically ill or physically disabled children. Cash donations are entitled to a tax credit of up to \$200 for an individual and \$400 for a married couple filing their joint return.

²⁰ The three year funding amount is \$700,000.

associated with diversifying and increasing funding included: 1) researching and identifying new potential funding sources; 2) initiating meetings with grant managers, foundations, and trusts; and 3) investigating and determining when collaborative approaches may be more appropriate.

It was not clear to the visit team how or whether CLS has investigated and incorporated these goals into its strategic plan to identify funding trends; and possible funding sources. This strategic plan constitutes a “play-it-safe” approach to resource development and does not incorporate monetary targets, timelines for achieving these tasks, or accountability; nor does it contemplate the potential for making adjustments in strategy.

Recommendation IV.7.32.1:* The process necessary to achieve the goals stated in the fundraising component of the strategic plan must be supported by clear and deliberate strategies designed to engage new and appropriate funding sources. CLS should consider incorporating aggressive targets, timelines, and accountability.

Finding 33: The program is active and engaged in regional and statewide collaborations within the legal community in Arizona.

CLS is well respected and has a solid reputation as evidenced by interviews with community partners, judges, staff, and board members. The program has taken a leadership role and has effectively collaborated with organizations in its service area and through statewide initiatives. The program works very closely with the Arizona Foundation, the two LSC-funded programs in the state, and the Equal Justice Foundation in improving access to civil legal services statewide. CLS staff actively participates in substantive taskforce through William Morris Institute for Justice. In addition, the program is working with other legal services providers to review and investigate the possibility of developing an Access to Justice Commission to assist low-income persons who may be facing barriers to the civil justice system.

The executive director continues to remain engaged in national, statewide, and regional efforts and has been actively involved in the statewide planning committee, state and county bar associations, and the Organization of Nonprofit Executives (O.N.E.), an Arizona based organization that provides support and networking opportunities for nonprofit executives. Many of the program’s advocates also serve on various national, statewide, and county taskforces and committees. For example, the state bar’s family law rules committee recently appointed two CLS attorneys to the committee and is looking for recommendations with respect to changes to the Maricopa County Justice Court procedures. There is also staff participation in working with stakeholders on how to remove obstacles in accessing the courts for low-income tenants facing eviction.